

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Robert Weiss,

Civil No. 08-511 (PAM/RLE)

Plaintiff,

v.

**ORDER**

M.D. Jim Dey, Joyce Anderson  
Warden R. Rios, and Harley Lappin,

Defendants.

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The above matter comes before the Court on the Report and Recommendation (“R&R”) of Chief United States Magistrate Judge Raymond L. Erickson dated April 4, 2008, that this action be dismissed both for failure to comply with a court Order regarding payment of a partial filing fee and for lack of prosecution. The R&R further recommended that Plaintiff’s Application to Proceed In Forma Pauperis be denied as moot. No objections to the R&R were filed in the time period allowed. Based on the R&R and the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 5) is **ADOPTED**;
2. Plaintiff’s Application to Proceed In Forma Pauperis (Docket No. 3) is **DENIED** as moot; and
3. This matter is **DISMISSED with prejudice**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: Thursday, May 8, 2008

*s/ Paul A. Magnuson*

Paul A. Magnuson  
United States District Judge